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PATENT APPLICATION
Agency's Docket No.: 3970.1000-000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Scott Wolmuth
Application No.: 10/063,990 Group: 2642
Filed: May 31, 2002 Examiner: Hguyen, Quynh H.
Confirmation No.: 3829
For: Criteria Based Marketing for Telephone Directory Assistance

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office at:	
<u>10/12/05</u>	<u>Nadine Z. Kersh</u>
Date	Signature
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Typed or printed name of person signing certificate	

DECLARATION OF SCOTT WOLMUTH

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. My name is Scott Wolmuth. I presently reside at 2853 Elk Lane, Santa Rosa, California.
2. I am the same person who is listed as the sole inventor in the above-referenced patent application.
3. I wish to explain certain activities which occurred more than one year prior to its filing date of May 31, 2002.
4. In particular, prior to May 2001, I posted a Project Description on the Elance.com marketplace website. A copy of that description is attached hereto as Exhibit A.

10/063,990

- 2 -

5. That Project Description described a Business Plan I had for providing a directory assistance service where consumers and businesses could call for local or long distance directory assistance at no charge. It was explained that the business would make money from playing a ten second message just before the requested listing is provided.
6. That posting also referenced an attached Outline that was uploaded to the Elance.com site, and that outline is also attached hereto as part of Exhibit A.
7. The Outline explains that the caller calls the "1-800-listing" phone number, and
 - an automated system asks for the name of the listing;
 - a caller asks for a listing by name; and
 - a recorded message says to please hold for the number and goes on to play an advertisement (such as for Southwest Airlines).
8. However, the Business Plan and the Outline documents did not mention that the selection was made based on an expressed user interest, or that the ad selection occurred automatically. Neither did these documents explain how my invention was to be implemented.
9. My motivation in making the postings to Elance.com was to have a business plan written for the purpose of obtaining funding and not to sell the invention itself.
10. A first implementation of a working version of the "1-800-listing" system was not made until 2003, after the patent application was filed.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements, if made, may jeopardize the validity of the application or any patent issuing thereon.


Scott Wohmuth

10/063,990

- 3 -

Oct 12, 2005

Date

E lance Posting May 30, 2001

(Patent Application Date May 31, 2002)

Project Titled Business Plan for Start Up Funding

Project Description:

Project Description for Business Plan for Start Up Funding

[Back to bids](#)

Description: BUSINESS OVERVIEW

This business plan is for 1-800-LISTING. A free directory assistance service. Instead of paying \$.50-\$1.95 per call to directory assistance consumers and businesses can call 1-800-LISTING for local and long distance directory assistance at no charge.

We make our money from playing ten second Premium messages just before the requested listing is provided. When a caller asks for American Airlines another airline such as Southwest would find it valuable to have a ten second pitch played.

We also provide live call transfers for the premium messages so if a consumer hears a message they like or an offer they would like to take advantage of all they need to do is press the 1 button on the touch tone keypad to be transferred to the advertiser.

We need initial funding to setup the service using Sprint Wholesale Directory Assistance services and to do a test market.
See uploaded outline of business.

PURPOSE

Seeking funding

BUYER HAS PREPARED

Outline/Rough draft of plan

SELLER IS RESPONSIBLE FOR

Written plan-Market research-Competitive research-Financial profile-Budget-1 yr. Schedule/Projections-3-5 yr. Schedule/Projections

ADDITIONAL ELEMENTS

Spreadsheets-Charts-Tables-Graphs

PROJECT DESCRIPTION

Need a business plan complete with projections, statistics, research of various sorts for funding initial setup of company, operation of company initially and to attract top management team.

Budget: --

Attached Files: 1-800 LISTING outline 3.doc

Market Notes: ::Buyer Closed Auction Early. REASON: Had some great bids. Will decide which I'm going with soon. Thank you all for taking the time to bid! Scott

Attached Document Content:

Hi,

My name is Scott Wolmuth. I'm the owner of 1-800-LISTING a vanity 800 number and a trademark I use as my company name. I'm proposing the following venture. Could you give me some feedback on the idea?

Have you ever heard of Goto.com? Goto.com is a pay per position search engine. Instead of listing sites in the top ten for free companies bid on a per click basis to be listed the highest. Goto.com is reaping huge profits and has signed deals to provide these listings to Lycos and other search engines.

I propose using the phone number 1-800-LISTING to offer "Free Directory Assistance" and charge advertisers on a Pay Per Listing basis.

Example:

-Caller calls 1-800-LISTING

-Automated systems asks for name of listing

-Caller asks for listing by name

-Automated message says: "please hold for the number for (American Airlines)... while your holding Southwest Airlines would like you to know they are offering friends fly free today. Would you like to be transferred to the Southwest Airlines instead?"

About 10 years ago restaurants began suggesting specific deserts to it's patrons. The result was desert sales, which are a high margin item, increased by 300-400%. The point is by suggesting a person speak to a certain company and further enticing the caller with some special incentive the cross-over rate should be as high as 1 in 5 calls choosing the premium listing.

I feel if a caller is offered a competing product they will often be inclined to accept it as a result of the power of suggestion and the important fact that their business is being asked for. This would be a valuable advertising medium to any company in a competitive industry such as Airlines, Travel, Legal/Lawyers, Banking, Mortgage, Retail etc.

I also own a mortgage business. When consumers call for a residential listing I would love, and would pay well to, have them hear an offer from my company to refinance their mortgage or take out an equity loan. I pay up to \$3.00 for a consumer to click on my listing on Goto.com just to look at my website.

The revenue would come from premium messages played while the caller is waiting for the requested listing, a ten second message. And from the actual transfer of the call when the caller opts to be transferred to the premium advertiser.

There were Two Hundred Million calls to toll free directory

assistance last year. If 1-800-LISTING were providing premium listing messages to one tenth of that volume that would be Twenty Million advertising messages played and Four Million calls transferred to advertisers for a fee.

1-800-LISTING is able to be implemented immediately using a third party Directory Assistance provider. Consumers will immediately recognize this free value added service as being user friendly, much like 411 used to be. The fee for directory assistance using 411 and 555-1212 ranges from \$.50 cents to \$1.95 per listing.

The company offering this outsourced directory assistance also provides the same service to many of the Bell companies. This is very important as the data source must be accurate and all-inclusive.

The revenue forecast is for .25 cents per message played and \$5.00 per call transfer. With an estimated 20 million calls the first year and 5 million live transfers 1-800-LISTING could generate \$25,000,000 in sales in just the first year.

The five-year projection would be to capture 25% of all directory assistance calls or about 175,000 million calls per year, earning the company an estimated \$218,000,000 in annual revenue.

The media plan is not much different than a billboard on Highway 101. Except the advertiser only pays when someone actually looks at the billboard. And, better yet they get instant buying activity from callers that choose to be transferred to the advertiser.

It is vitally important to note the difference between selling an add to a company and selling actual customer contacts in the form of played messages and live call transfers.

A company that gets a live call transfer might have a per 1 in 5 people per sale ratio. Using this medium they can accurately

predict the cost of generating sales and adjust the sales volume almost instantly. This is done by increasing or decreasing the number of played messages which directly affects the number of live call transfers and the number of sales.

The benefit that comes with this medium is the exacting ability to track sales on a day to day even hour to hour basis. Messages for certain types of callers might only be played in evening hours and others only in the morning.

Some of the Features and Benefits:

1. Tracking of ad dollars-shows advertiser results of ad dollars.
2. Highly targeted listeners-advertiser can choose which listing requests will initiate their message to better improve advertising results.
3. Instant call transfer of interested consumer-a person looking at buying now is better than trying to interest a person, then getting them to your store or website-these are Buyers of the advertisers product.
4. Predictable ad to sales costs-by knowing the number of played messages, the number of live call transfers and the number of sales, an advertiser can determine the ratio of buyers per message and tailor it's budget according to the desired number of sales.
5. Consumers are actually receiving a commodity in return for listening to a 10 second-targeted ad. They watch and listen to adds all day now and receive nothing in return.